

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 25-mj- 67

PEDRO GOMEZ GOMEZ

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of May 5, 2025, in the County of Erie, in the Western District of New York, the defendant, an alien, was found in the United States, after previously being removed or deported from the United States, without prior authorization or approval from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, in violation of Title 8, United States Code, Section 1326(a).

This Criminal Complaint is based on these facts:

- Continued on the attached sheet.


Thomas J. Coffman
Complainant's signature

THOMAS J. COFFMAN
BORDER PATROL AGENT
UNITED STATES BORDER PATROL
Printed name and title

Sworn to before me and signed telephonically.

Date: May 12, 2025


H. Kenneth Schroeder, Jr.
Judge's signature

HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE
Printed name and title

City and State: Buffalo, New York

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, **Thomas J. Coffman**, being duly sworn, deposes and says that:

1. I am a United States Border Patrol Agent with the United States Border Patrol, within the Department of Homeland Security (DHS), stationed in Buffalo, New York. I have been so employed as a Border Patrol Agent for fourteen (14) years. In such capacity, my official duties include investigating persons who have violated federal immigration laws and other related federal statutes. I have conducted and participated in investigations relating to unauthorized entry in the United States, in violation of Title 8, United States Code, Section 1326(a).

2. As a Border Patrol Agent, I am authorized to investigate violations of laws of the United States, and I am a Law Enforcement Officer with the authority to affect arrests and execute criminal complaints and warrants issued under the authority of the United States. As part of my current duties, I have become involved in an investigation of a suspected violation of Title 8, United States Code, Section 1326(a).

3. I make this Affidavit in support of the Criminal Complaint charging **Pedro GOMEZ GOMEZ** (hereinafter “GOMEZ”), born in 1998, in Guatemala, an alien, with having been found in the United States after having been previously removed or deported from the United States, without first applying to the Attorney General, or her successor, the Secretary of the Department of Homeland Security, for permission to re-enter the United

States, in violation of Title 8, United States Code, Section 1326(a).

4. The statements contained in this affidavit are based upon my personal observations, my training and experience, my review of official records, and upon information provided to me by other U.S. Border Patrol Agents. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant did knowingly violate Title 8, United States Code, Sections 1326(a).

5. On or about May 5, 2025, Border Patrol Agents (BPAs) assigned to the Buffalo Station Targeting Unit (TU), observed a work van with a large amount of equipment for roofing parked at an intersection in Buffalo, New York. The work van displayed an out-of-state license plate. TU agents conducted record checks which revealed the vehicle was registered to a previously removed illegal alien.

6. TU agents monitored the work van and observed five subjects enter the vehicle and drive away from the area. An agent in a marked vehicle drove by the work van and the driver abruptly pulled over and parked in front of a private driveway. Agents pulled in behind the work vehicle and approached the driver to conduct an immigration inspection.

7. The driver and two other individuals were identified by agents and run through immigration record checks.

8. A fourth subject, identified as GOMEZ, the defendant, was laying down on top of a pile of tools in the back of the van and freely admitted to having crossed illegally into the United States. GOMEZ admitted to being a citizen and national of Guatemala and he did not have any documents that would allow him to be or remain in the United States lawfully.

9. Agents were advised that five subjects were seen entering the vehicle, so agents opened the rear of the van. BPAs discovered one more subject hiding in the back of the van. This fifth individual was verified to also be present in the United States illegally.

10. U.S. Border Patrol Agents took GOMEZ into custody. As a part of processing, an electronic scan of GOMEZ's fingerprints were taken to verify his identity and any immigration history he may have in the United States. This query resulted in an identical biometric match revealing that GOMEZ had been issued an FBI number and immigration a fingerprint identification number.

11. Immigration database record checks for GOMEZ revealed an associated "alien" number. An alien number is a unique seven-, eight- or nine-digit number that the Department of Homeland Security assigned to an alien. Records checks revealed the following:

- a. GOMEZ was apprehended by the McAllen Border Patrol Station on May 12, 2018, and was processed as an Expedited Removal. He was ordered removed from the United States on May 14, 2018. He physically departed the United States on May 18, 2018, from Harlingen, Texas.
- b. GOMEZ was apprehended by the Buffalo Border Patrol Station on March 18, 2023. He was processed for a reinstatement of his original order of removal. Immigration and Customs Enforcement (ICE) declined to accept custody and subject was released.
- c. GOMEZ was apprehended by the Niagara Falls Border Patrol Station on October 3, 2023. He was processed for a reinstatement of his original order of removal. He physically departed the United States on October 19, 2023, from

Alexandria, Louisiana.

12. Immigration records checks failed to disclose any record that GOMEZ had applied for or received the requisite permission to enter the United States from the Attorney General or the Secretary of Homeland Security.

13. Based on the foregoing, your affiant respectfully submits that there is probable cause to believe that the defendant, Pedro GOMEZ GOMEZ, was found in the United States after having been previously deported and removed from the United States, without first applying to the Attorney General, or the Secretary for the Department of Homeland Security, for permission to re-enter the United States, in violation of Title 8, United States Code, Sections 1326(a).

Thomas J. Coffman
THOMAS J. COFFMAN
U.S. Border Patrol Agent
United States Border Patrol

Sworn and subscribed to before me telephonically
on this 12th day of May, 2025.

H. Kenneth Schroeder, Jr.
HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE